REMARKS:

Substitute Specification

Included is a substitute specification for entry into the application as response to the Examiner's previous action.

In Examiner's Paragraph 5 of the Office Action mailed April 9, 2002, Examiner rejects Claim 8 as "...containing subject matter which is NOT described in the original specification in such a way as to enable one skilled in the art to which it pertains or with which it is most nearly connected, to make and/or use the invention." Examiner states, "The original filed specification does not mention that only certain strings are under tension ."

However, Paragraph [0013], on Page 6, line 16, of the original specification states that, "it is possible to tension only every other string in order to facilitate the stringing process, without degrading the racket performance." Therefore, the original specification is enabling with respect to this issue, thus Claim 8 should be allowed.

Referring to Examiner's Paragraph 8:

Applicants respectfully state that it is true that all claims were commonly owned at the time any inventions covered by this patent were made. Both inventors, David Luskin and

Madeline Hauptman, collaborated on all parts of this invention and collaborated on all matter covered by all claims.

Referring to Examiner's Paragraph 9:

Claim 1 has now been amended to avoid rejection and include the important limitation that the intersection angle is selected to eliminate distortion of the frame. Please refer to the enclosed specification, last sentence of paragraph [003], page 4, line 4 , which states: "The purpose and intent of choosing this angle and spacing between strings is to have a stringing pattern that dos not distort the frame." Further, Page 3, line12, of said original specification states, " the present invention is a method, system and design for stringing a racket in a double diagonal pattern, at specific angles, such that the original shape of the frame will not be distorted." Thus, with the addition of the language in Claim 1 referring to the elimination of distortion, Claim 1 would now be patentable over Claremont's invention, the aim of which is to create and allow distortion of the frame, while applicant's invention creates a frame in which distortion of the frame is eliminated.

Referring to Examiner's Paragraph 10:

Examiner states that applicant has not disclosed that having specific spacing solves any stated problem or is for any particular purpose and it appears the racket would perform equally well with any spacing. Again, Examiner is requested to please refer to the enclosed specification, last sentence of paragraph [003], page 4, line 4 , which states: "The purpose and intent of choosing this angle and spacing between strings is to have a

stringing pattern that dos not distort the frame." The importance of spacing is discussed in the original disclosure.

By the laws of geometry, the spacing between strings and the angle of the diagonal are integral to each other in creating a string pattern that does not distort the frame. Certain spacing at certain angles would distort the frame. Further, please refer to the specification, Page 6, Line 11, "Thus, the angle of the diagonals may be in a range of 51-58+/-2 degrees. The spacing between the diagonal strings, when a perpendicular is drawn from one diagonal to its adjacent diagonal strings may be ⅜ inch, or the spacing between the diagonals may vary. The spacing may be in a range of ¼ inch to 1 inch, depending on the frame shape." Choosing to use angles of 51-58 degrees and choosing the appropriate spacing is not obvious for one of ordinary skill, as the geometric spacing and mathematical angular relationships are relevant and would not be obvious as a matter of routine experiment. Claremont accepts some distortion, and finds merit in distortion, which is a different set of requirements than the present invention requirement of creating a racket that does not distort.

In order not to distort the racket when tension is applied to the strings, it is very important to choose the exact angle that equalizes the vertical and horizontal axes of the racket hoop geometry. The process of calculating the correct spacing and corresponding correct angle to properly solve the problem of zero distortion when stringing a racket in a diagonally oriented pattern, is crucial, and not a trivial calculation or one that is obvious to those of ordinary skill in the art.

If the angle chosen is incorrect, the hoop and frame will warp by either elongating or become shorter, thus compromising the structural integrity of the frame. This was acceptable to Claremont, but is unacceptable and not he intention of the applicants' invention.

With the current light weight frames, the structural instability taught by Claremont is unacceptable. This will cause additional vibration to be generated, as the molecules have been shaken up, and further the frame will be weakened and more likely to break, as the molecules will have shifted from their original positions. The structural stability of the frame will have been compromised with the distortion during stringing taught by Claremont.. Applicants' goal is to make a structurally sound tennis frame, which will NOT DISTORT when strung, and to accomplish this the angle of the diagonals and the important spacing between the strings must be equilibrated and calculated correctly.

Referring to new Claim 15 and Method Claims 10-14:

New Claim 15 is supported in the original application, and Claim 10 has been amended to reflect the angles mentioned in the specification. It is noted that Claim 15 is drawn to a racket which cannot be made other than by the method of amended Claim 10, and thus upon allowance of Claim 15, it is respectfully requested that Examiner withdraw the Restriction Requirement and examine Method Claims 10-14 because the Examiner's reasons for Restriction Requirement, dated April 9th, 2002 are no longer valid. The racket

Claim 15 and Method Claim 10 each require re-tensioning and restringing to create a racket that does not distort upon stringing and this racket of new Claim 15, supported in the original specification, can only be achieved by use of a the method of Claim 10.

Claim 15 links the non-elected method to the elected claims. Upon re-examination of article claims 1-6, 8-9 and 15, it is requested that the Examiner examine and allow Claims 10-14 since new claim 15 cannot be made by any method other than method in Claim 10. Thus the requirement no longer is proper since the new claim recites that the strings have been re-tensioned and restrung according to the method of the newly amended Claim 10. And following the method of Claim 10 would produce the racket of new Claim 15, so therefore please examine Claim 15 as allowable and please examine method Claims 10 –14.

Due to the above reasons, we respectfully ask that you withdraw your request for restriction requirement and allow all claims as amended above.

Respectfully submitted,

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I am sending this paper with sufficient post for Express Mail
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Signed, Madeline Mishel Hauptman 7/15/02
Madeline Mishel Hauptman, Dated July 15, 2002